



November 3, 2016

Ms. Marlene Dortch  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

*VIA ELECTRONIC SUBMISSION – NOTICE OF EX PARTE*

RE: Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications, PS Docket No. 15-80; New Part 4 of the Commission's Rules Concerning Disruptions to Communications, ET Docket No. 04-35; The Proposed Extension of Part 4 of the Commission's Rules Regarding Outage Reporting to Interconnected Voice Over Internet Protocol Service Providers and Broadband Internet Service Providers, PS Docket No. 11-82

Dear Ms. Dortch:

On Thursday, November 3, 2016, I, Evelyn Bailey, had a phone conversation with Jeffery Goldthorp and Joseph Schlingbaum of the Commission's Public Safety and Homeland Security Bureau.

Our discussion centered on NASNA's 2015 and 2016 comments filed in the above-mentioned proceedings regarding two particular topics:

1. Sharing of NORS information with state/local authorities and appropriate confidentiality safeguards
2. Geography-based triggers for reporting of wireless outages in rural areas

**NORS**

In NASNA's July 2015 and August 2016 filings, we affirmatively stated that we thought state 911 programs should have access to NORS outage reports and agreed that appropriate confidentiality safeguards should be in place.

During the call with Messrs. Goldthorp and Schlingbaum, I said that state utility commissions are not always willing to share outage reports with state 911 offices on the basis that the reports may contain proprietary and confidential information.

The Commission, state utility commissions and state 911 offices share authority and responsibility to ensure the reliability of 911 access. If the Commission does not provide state 911 office's with access to reports of outages affecting 911 service, or if access to or use of that information is restricted to such an extent that it becomes useless to the states, the states that wish to ensure the reliability of 911 service for their citizens will have no other choice but to pursue reporting requirements through state legislative and regulatory means, which we know from experience will be vigorously opposed by the providers. It would be more efficient and less costly for everyone involved if, instead, the Commission were to provide access to state 911 programs in a manner that is sufficiently open and flexible that the data retrieved from such access is usable. State 911 authorities have a legitimate interest in tracking the reliability of 911 access available to their citizens. State 911 authorities, and



particularly those that are directly responsible for the provisioning of 911 systems, need access to NORS information in order to provide appropriate oversight.

### **Geography-based wireless outage reporting**

In our July 2015 filing, we supported the idea the Commission floated about adopting an additional wireless outage reporting requirement based on the geographical scope of an outage regardless of the number of users potentially affected.

By the time of the July 2016 proposed rules, the Commission fleshed out its thinking. With that additional insight, NASNA expressed preference for imposing a lower user-minute threshold for reporting outages rather than a geography-based threshold. Here's why: Currently, an outage in an area where a carrier has 10,000 customers would have to be out of service for 90 minutes before the outage would be reportable. It is not acceptable that a community of that size could be left without 911 service for that duration and the incident not be reported to anyone for the purposes of tracking trends and ensuring future improvements in reliability. We thought a threshold of 300,000 user-minutes would be reasonable for rural areas.

With regard to whether there should be a different threshold in urban and rural areas, we made the following argument in our August 2016 filing: If an outage in an urban area affects 10,000 customers, the loss of 911 service to those 10,000 customers would be just as important as it would be to 10,000 customers in a rural area, and vice versa. This would simplify the Commission's reporting thresholds, and would be fair to all carriers in all areas. The specific number the threshold should be lowered to may be a matter of debate, but currently the Commission is not capturing outages that are very significant in their impact, so lowering the threshold, then re-evaluating after a period of two or three years would allow the Commission to "zero in" on the best threshold level.

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. §1.1206, this letter is being electronically filed via ECFS with your office and a copy of this submission is being provided to all FCC employees mentioned herein and copied on this communication.

You are welcome to contact me with any questions.

Sincerely,

Evelyn Bailey  
Executive Director

Cc: David Simpson, Bureau Chief (PSHSB)  
David Furth, Deputy Bureau Chief (PSHSB)  
Jeffery Goldthorp, Deputy Bureau Chief (PSHSB)  
Joseph Schlingbaum, Cybersecurity and Communications Reliability Division (PSHSB)